

ZONING AND ADJUSTMENT BOARD

December 4, 2006

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, December 4, 2006 at 6:30 pm with the following members present: Larry Story – Chairman, Marge Thies, Ron Berry, Frank Topping, Frank Szczepanski, Dossie Singleton, and Richard Cole.

Evan Merritt, Todd Brown, Rusty Mask, and Bailey Cassels were absent.

Lee Hawkins - Zoning and Adjustment Board Attorney, Alysia Akins - Acting Secretary, and Brad Cornelius - Planning Manager, were present.

Chairman Larry Story called the meeting to order and led the pledge of allegiance and prayer.

Mr. Story presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the November 20, 2006 meeting with one minor revision to correct Ms. Berry to Mr. Berry. Mr. Singleton seconded the motion and the motion carried.

V2006-0003

Potters House Church IGM

Mr. Cole made a motion to remove this application from the table. Mr. Berry seconded the motion and the motion carried.

The applicant was not present.

Mr. Cole made a motion to table this case until the end of the meeting. Mr. Berry seconded the motion and the motion carried.

T2006-0045

James and Dorothy Lovett

Donnie Lovett, representative, was present and requesting the renewal of a Temporary Use Permit for three (3) years for a mobile home as a caregiver's residence. There were three (3) notices sent. Of the three (3) notices sent, none were returned in favor or in objection. There were no objections from the audience.

Mr. Topping made a motion to approve the request for the renewal of a Temporary Use Permit for three (3) years for a mobile home as a caregiver's residence. Mr. Cole seconded the motion and the motion carried.

T2006-0046

Land Associates VI, LLC

The applicant was not present.

Mr. Cole made a motion to table this case until the end of the meeting. Mr. Szczepanski seconded the motion and the motion carried.

R2006-0094

Clark and Barbara Caruthers

Clark Caruthers, applicant, was present and requesting a rezoning on 17.5 acres MOL from A5, RR1, and RR to RR1C and A10C to complete a lineal transfer. There were ten (10) notices sent. Of the ten (10) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Cole inquired about the lineal transfer, in which Mr. Caruthers informed him the lineal transfer was for his daughter, who wishes to place a double-wide mobile home on the property.

Mr. Topping made a motion to recommend approval of the rezoning request to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2006-0095

Maricamp, LLC

David Tillman, Tillman and Associates Engineering LLC, was present and requesting to rezone 65.71 acres MOL from A5 and RPUD to RPUD. There were seven (7) notices sent. Of the seven (7) notices sent, none were returned in favor or in objection. There were no objections from the audience. Mr. Cornelius explained a revised site plan addressing the Development Review Committee's comments had been submitted and was included in the agenda packets. The revised site plan shows two access points on CR 103 into the development. The perimeter buffer on the east side of the development was discussed. There is a 35' right-of-way dedication for CR 103. Mr. Tillman explained the town home units would be two and three bedroom with garages. The cost of the town homes was discussed along with the target customer market.

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

S2006-0011

Orange Blossom Gardens Church

Mr. Cornelius recommended the Board table this project to a date uncertain to allow the applicant sufficient time to resolve the right-of-way issues. Mr. Cornelius announced the project would be re-noticed and re-advertised after right-of-way issues are resolved and a new hearing date is set.

Mr. Cole made a motion to table the project as requested by staff. Mr. Berry seconded the motion and the motion carried.

OP2006-0005

Black Gold Compost Operating Permit Renewal

Michael Lange, representative, and James Wade, attorney, were present and requesting the renewal of the operating permit for Black Gold Compost on 103.48 acres. There were eighteen (18) notices sent. Of the eighteen (18) notices sent, two (2) were returned in favor and four (4) were returned in objection. There were no objections from the audience. Mr. Cornelius read the letters of objection into the record. Attorney Wade explained the current projection for trips per day was 40, but they are expecting an increase. If trips will exceed 40 per day, the applicant must apply to amend the operating permit. Mr. Cornelius explained there have been code cases involving this project due to foul odors; however, according to the code inspector, there are no outstanding code violations at this time. Mr. Lange informed the Board there has been an odor problem in the past due to a previous operator making mistakes in the compost process, but that operator no longer works at the facility. Mr. Cornelius requested documentation of the conservation easements located in a portion of the flood zone area. Attorney Wade announced the permit issue involving Florida Department of Environmental Protection has been resolved and the facility is in compliance at this time. Mr. Cornelius confirmed the County had received the approved consent order from FDEP. Maintenance and repair responsibility of the applicant to CR 237 were discussed. Surrounding property owners and their proximity were discussed.

Mr. Topping made a motion to recommend approval of the operating permit renewal to the Board of County Commissioners. Mr. Szczepanski seconded the motion and the motion carried.

T2006-0046

Land Associates VI, LLC

Mr. Cole made a motion to remove this project from the table. Mr. Berry seconded the motion and the motion carried.

The applicant was still not present.

Mr. Cole made a motion to table this case until the January 2, 2007 meeting. Mr. Berry seconded the motion and the motion carried.

V2006-0003

Potter's House Church

Mr. Cole made a motion to remove this project from the table. Mr. Berry seconded the motion and the motion carried.

Troy Miller, pastor, and Albert Sykes, church member, were present and requesting a variance to allow a structure within the required setbacks of an easement. Mr. Cornelius informed the Board the structure had been constructed inside the easement by the contractor, in which the building inspector did not notice. Mr. Cornelius stated the 25' wide easement appeared to be part of the lot and the structure was located 10.01' from the center line of the easement, which created a 2.49' encroachment. Mr. Cornelius stated the easement does not currently serve any purpose since the previous three parcels to the north that did utilize the easement have been combined into one parcel with access from SR 44. The possible option of vacating the easement was discussed. Mr. Cornelius announced staff recommended approval of the variance request.

Mr. Topping made a motion to approve the variance request of a structure within 10.01' of the center line of an easement and a 2.49' encroachment into the easement, and that the applicant pursue the option of vacating the easement. Mr. Cole seconded the motion and motion carried.

Public Forum

Mr. Cornelius presented the Board with the 2007 Public Hearing schedule.

Mr. Cole complimented Mr. Cornelius on the staff report for the rezoning regarding the recent lineal transfer ordinance.

Mr. Topping discussed irrigation water concerns. Mr. Cornelius discussed the Floridan aquifer and sources for irrigation through reclaimed water and stormwater use. Mr. Cornelius will provide a copy of the current Withlacoochee Water Supply Authority Plan to the Board at the January 2, 2007 meeting for their review and to be discussed at the January 16, 2007 meeting.

Mr. Cornelius announced there is no meeting scheduled for December 18, 2006.

Mr. Cole made a motion to adjourn the meeting at 7:10 pm. Mr. Berry seconded the motion and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board